IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

CRP.No. 542 of 2000(A)

AGAINST THE ORDER DATED 15/10/1999 IN IA.5126/1999 IN OS.771/1996 of PRL.MUNSIFF'S COURT, KOZHIKODE-II

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REVN. PETITIONER:

PARAPPOL MOHANDAS, S/O.GOVINDANKUTTY PANICKER, SREEMOD VILLA.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS:

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1. PARAPPOL MANOHARAN, S/O.BALAKRISHNA PANICKER, KOZHIKODE TALUK, CHEVAYOOR AMSOM, DESOM.

2. PARAPPOL MURALEEDHARAN, S/O.BALAKRISHNA PANICKER, DO. DO.

R1 BY ADV. SRI.C.P.MOHAMMED NIAS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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C.R.P.No.542 OF 2000

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DATED THIS THE 13TH JUNE, 2007

ORDER

The C.R.P. is remaining defective since process for service of notice has not been remitted by the petitioner, though notice was ordered as far back as on 23.8.2000.

2. The 1st respondent upon whose application the impugned order was passed appears through Sri.C.P.Mohammed Nias and supports the impugned order.

3. The learned Munsiff has stayed the trial of the suit filed by the petitioner under Section 10 holding that a matter which directly and substantially arises in the present suit arose in an earlier suit between the parties which is pending before this Court in S.A.No.420 of 1996. I find that the learned Munsiff has marshalled the facts correctly and has referred to binding judicial precedents. It cannot be said that there is any jurisdictional infirmity about the impugned order. The C.R.P. will stand dismissed, more so since in all probability the Second Appeal is already disposed of.

(PIUS C.KURIAKOSE, JUDGE)

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